

UNITED STATES BANKRUPTCY COURT
NORTHERN DISTRICT OF NEW YORK

In Re:

AFFIDAVIT

THERESA M. MURPHY,

Case No. 19-12048

Debtor

GERALD J. MURPHY, being duly sworn, deposes and says:

1. I am the husband of debtor in the above case and make this affidavit in support of debtor's Motion, pursuant to 11 U.S.C. sections 105 and 502, and FRBP 3007, to disallow the arrearage component of the Secured Proof of Claim filed by U.S. Bank Trust, N.A. as Trustee of the Tiki Series III Trust.
2. The source of my knowledge for this affidavit is conversations with BSI Financial, who is the contact servicer for our mortgage.
3. Debtor filed her Chapter 13 petition on November 11, 2019. Andrea E. Celli was designated as Trustee.

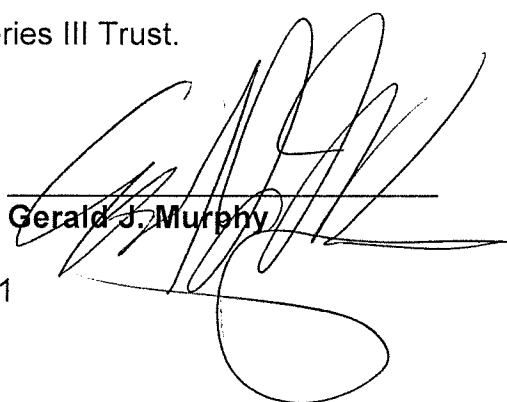
**MOTION TO DISALLOW ARREARAGE COMPONENT OF THE SECURED PROOF OF
CLAIM FILED BY U.S. BANK TRUST, N.A. AS TRUSTEE OF THE TIKI SERIES III
TRUST**

4. On January 16, 2020, U.S. Bank Trust, N.A. as Trustee of the Tiki Series III Trust filed a Secured Proof of Claim in the amount of \$363,634.93. It is designated on the Claims Register as Claim #2. A copy of the Proof of Claim is annexed to this affidavit.
5. The Proof of Claim includes an arrearage component of \$2,692.76.
6. I spoke to a representative with BSI Financial by telephone. The representative

confirmed that I have made all thirty two (32) monthly payments since this mortgage was modified. This matched our records. She did not "see" the claimed arrearage amount being an amount due on their computer system.

7. We are current on our mortgage payment.
8. I am requesting that the arrearage component of the Proof of Claim filed by U.S. Bank Trust, N.A. as Trustee of the Tiki Series III Trust be disallowed.
9. The Court has the authority to fix a Proof of Claim filed by a creditor, pursuant to FRBP 3007.

WHEREFORE, your deponent requests that the Court enter an Order, pursuant to FRBP 3007, disallowing the arrearage component of the Secured Proof of Claim filed by U.S. Bank Trust, N.A. as Trustee of the Tiki Series III Trust.


Gerald J. Murphy

Sworn to before me the 24th day of March, 2021


Notary Public
My Commission Expires

MARC S. ENRICH
Notary Public, State of New York
No. 43723 SO
Qualified in New York County
Commission Expires 9/8/22